

IN THE SUPREME COURT OF THE STATE OF NEVADA

THE STATE OF NEVADA,  
Appellant,  
vs.  
LACY L. THOMAS,  
Respondent.

No. 58833

**FILED**

SEP 26 2013

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY R. Malone  
DEPUTY CLERK

*ORDER DENYING MOTION*

Respondent filed a notice of supplemental authorities a few days before oral argument in this case. Appellant filed a motion to strike the notice, arguing that it was not timely and does not comply with NRAP 31(e). Respondent opposes the motion.

NRAP 31(e) does not require that a notice of supplemental authority be filed within a specific period of time. It simply requires that a party “promptly advise” the court “[w]hen pertinent and significant authorities come to a party’s attention after the party’s brief has been filed, but before a decision.” NRAP 31(e). And although the rule indicates that a notice filed less than 10 days before oral argument will “not be assured of consideration by the court at oral argument,” it also provides that “no notice of supplemental authorities shall be rejected for filing on the ground that it was filed less than 10 days before argument.” *Id.* The rule also does not require the party filing the notice to explain why the authorities were omitted, other than a representation that they came to the party’s attention after the party’s brief was filed. *Id.* Appellant is correct, however, that a notice of supplemental authorities shall not include argument. *Id.* To the extent that respondent’s notice improperly

includes argument, it has not been considered. Because the notice is otherwise proper, the motion to strike it is denied.

It is so ORDERED.

                    Pickering                    , C.J.

cc: Attorney General/Carson City  
Clark County District Attorney  
Daniel J. Albregts, Ltd.  
Franny A. Forsman